

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

MARIA MCCORMACK,

Plaintiff,

Case No. 15-cv-14507  
Hon. Matthew F. Leitman

v.

CITY OF WESTLAND, *et al.*,

Defendants.

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**ORDER DENYING PETITION FOR ATTORNEY'S FEES (ECF  
#91) AS MOOT AND WITHOUT PREJUDICE**

On July 30, 2018, Plaintiff's former counsel, Elizabeth Downey, filed a petition for attorney's fees. (*See* ECF #91.) Ms. Downey well deserves a fee award in this action because she obtained a very favorable settlement for Plaintiff. However, as this Court explained in a series of earlier orders (*see* ECF ## 90, 94, 97), Plaintiff refused to execute the documentation necessary to finalize the settlement, and for that reason the Court dismissed this action with prejudice – without any payment from Defendants to Plaintiff. (*See* ECF #97.) Absent a payment to Plaintiff, there is no source of funds for an attorney's fee award. Accordingly, Ms. Downey's request for a fee award is **DENIED AS MOOT**. This denial is **WITHOUT PREJUDICE**. In the event that this action is reinstated and a

payment made to Plaintiff, this Court would revisit the fee petition and likely enter a fee award in Ms. Downey's favor.

**IT IS SO ORDERED.**

s/Matthew F. Leitman

MATTHEW F. LEITMAN

UNITED STATES DISTRICT JUDGE

Dated: September 24, 2018

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on September 24, 2018, by electronic means and/or ordinary mail.

s/Holly A. Monda

Case Manager

(810) 341-9764